

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1116 be amended to read as follows:

- 1 Page 7, between lines 14 and 15, begin a new paragraph and insert:
- 2 "SECTION 3. IC 8-1-29.5 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2002]:
- 5 **Chapter 29.5. Enforcement Remedies for Prohibited Actions by**
- 6 **Telecommunications Companies**
- 7 **Sec. 1. As used in this chapter, "telecommunications company"**
- 8 **means an individual, a firm, an association, a corporation, or a**
- 9 **partnership owning, leasing, or operating any lines, facilities, or**
- 10 **systems used in furnishing telephone service within Indiana.**
- 11 **Sec. 2. (a) A telecommunications company may not do any of the**
- 12 **following:**
- 13 **(1) Violate IC 8-1-2.**
- 14 **(2) Violate a commission order.**
- 15 **(3) Violate a commission rule.**
- 16 **(4) Knowingly impede the development of competition in a**
- 17 **telecommunications service market.**
- 18 **(b) The commission shall determine whether an action by a**
- 19 **telecommunications company impedes the development of**
- 20 **competition in a telecommunications service market.**
- 21 **Sec. 3. After notice and hearing, the commission may impose**
- 22 **any of the following remedies for a violation of this chapter:**
- 23 **(1) Directing the violating telecommunications company to**
- 24 **cease and desist from violating:**
- 25 **(A) this chapter;**
- 26 **(B) a commission order; or**
- 27 **(C) a commission rule.**
- 28 **(2) Mandating corrective action to alleviate the violation or**
- 29 **noncompliance.**
- 30 **(3) Revoking or modifying the terms of:**
- 31 **(A) a certificate of territorial authority;**

1 **(B) a certificate of public convenience and necessity; or**
2 **(C) another permit;**
3 **issued to the telecommunications company by the commission.**
4 **(4) Order a telecommunications company to make payments**
5 **to the commission in amounts specified in the order. The**
6 **commission may use any payment received under this**
7 **subdivision for any purpose determined by the commission**
8 **relating to maintaining or improving telecommunications**
9 **service quality, including compensating persons who are**
10 **affected by the measurements, regulation, practice, act or**
11 **service."**

12 Renumber all SECTIONS consecutively.

(Reference is to EHB as printed February 20, 2002.)

Senator GARD